

### REMARKS

Claims 1, 3-12, 14 and 16-18 are pending. Applicants elect Group I (claims 1-12 and 14-18) for examination on the merits. Applicants reserve the right to prosecute non-elected subject matter (including claims 19-27) in a further patent application.

Claims 2, 13, 15 and 19-27 are canceled without prejudice or disclaimer. The amendments are supported by the original disclosure and, thus, no new matter has been added. If the Examiner should disagree, however, it is respectfully requested that the challenged limitation be pointed out with particularity in the next Action so support may be cited in response.

Attached is a Form PTO-1449 listing published applications. In accordance with the pre-OG Notice signed September 21, 2004 (attached), no copies of the application cited on the Form PTO-1449 are being submitted and they are listed by their publication numbers. In relation to the parent U.S. Appln. No. 09/467,893, the disclosure contained in this application is supplemental to the disclosure of U.S. Appln. No. 09/308,725 (see Example 3), which is a national stage of Int'l Appln. PCT/GB97/03222. A copy of its disclosure is not being submitted because it is cumulative of WO 98/23960 but the prosecution of U.S. Appln. No. 09/308,725 should also be considered by the Examiner.

This supplements the Information Disclosure Statement (IDS) file November 26, 2003. Consideration of the foregoing as well as the return of a copy of the Form PTO-1449 with the Examiner's initials per M.P.E.P. § 609, are earnestly solicited. They are intended to be in full compliance with the rules, but should the Examiner find any part of its required content to have been omitted, prompt notice to that effect is earnestly solicited, along with additional time under 37 CFR § 1.97(f), to enable Applicants to comply fully.


As provided by 37 CFR §§ 1.97(g) and (h), no inference should be made that this information and the listed references are prior art merely because they have been listed for consideration. Furthermore, no representation is being made that a search has been conducted or that this statement encompasses all possible material information.

Applicants earnestly solicit an early and favorable examination on the merits. The Examiner is invited to contact the undersigned if any further information is required.

Respectfully submitted,

NIXON & VANDERHYE P.C.

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**INFORMATION DISCLOSURE  
CITATION**

(Use several sheets if necessary)

APPLN. NO.

10/721,798

APPLICANT

LALVANI et al.

FILING DATE

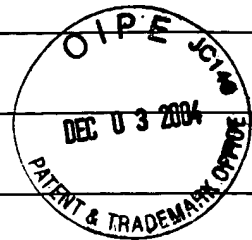
November 26, 2003

ATTY. DKT. NO.

3772-18

GROUP

Not Known


**U.S. PATENT DOCUMENTS**

*EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
AR	2002/0131976 A1	09/2002	Lalvani et al.			
BR	2002/0136733 A1	09/2002	Hill et al.			
CR	2004/0058399 A1	03/2004	Lalvani			
DR	2004/0141985 A1	07/2004	Lalvani et al.			

**FOREIGN PATENT DOCUMENTS**

DOCUMENT	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION YES NO
ER					
FR					
GR					
HR					
IR					
JR					
KR					
LR					
MR					
NR					
OR					
PR					

**OTHER DOCUMENTS (including Author, Title, Date, Pertinent pages, etc.)**

QR	
RR	
SR	
TR	
UR	
VR	
WR	
ZR	
AAR	
BBR	
CCR	
DDR	
EER	

\*Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to application.

Form PTO-FB-A820 (Also PTO-1449)

## **Waiver of the Copy Requirement in 37 CFR 1.98 for Cited Pending U.S. Patent Applications**

37 CFR 1.98 requires that for each cited pending U.S. patent application, an information disclosure statement (IDS) include a legible copy of the application specification, including the claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims, directed to that portion. See 37 CFR 1.98(a)(2)(iii).

The United States Patent and Trademark Office (USPTO) has been scanning newly filed patent applications and the existing inventory of patent applications into USPTO's Image File Wrapper (IFW) system since June of 2003. See Notification of United States Patent and Trademark Office Patent Application Records being Stored and Processed in Electronic Form, 1271 Off. Gaz. Pat. Office 100 (June 17, 2003). Applications stored in the IFW system may be viewed by examiners on their desktop computers. Consequently, there is no longer a need to require a copy of the specification, including claims, and drawings of a U.S. patent application (or portion of the application) listed on an IDS when the cited application is stored in the USPTO's IFW system, and can be readily viewed by examiners, applicants and members of the public.

Therefore, the requirement in 37 CFR 1.98(a)(2)(iii) for a legible copy of the specification, including the claims, and drawings of each cited pending U.S. patent application (or portion of the application which caused it to be listed) is *sua sponte* waived where the cited pending application is stored in the USPTO's IFW system. See 37 CFR 1.183. This waiver is effective immediately.

Applications filed under 35 U.S.C. § 111 on or after June 30, 2003, and international applications that have entered the national stage on or after June 30, 2003, have been or are being scanned into the USPTO's IFW system. When citing to a pending application filed under 35 U.S.C. § 111 before June 30, 2003, or that entered the national stage before June 30, 2003, the applicant may check the private Patent Application Information Retrieval (PAIR) System to see whether the application is stored in the USPTO's IFW system in order to determine if a copy of the application (or portion of the application) is required to be provided with an IDS. The private PAIR System can be accessed over the Office's Internet Web site ([www.uspto.gov](http://www.uspto.gov)).

When citing to a pending U.S. patent application that has been published under 35 U.S.C. § 122(b) (eighteen-month publication), the USPTO prefers that the citation be to the patent application publication (by publication number) rather than to the application itself (by application number).

This waiver is limited to the specification, including the claims, and drawings in the U.S. application (or portion of the application). If material other than the specification, including the claims, and drawings in the file of a U.S. patent application is being cited in an IDS, the IDS must contain a legible copy of such material. See 37 CFR 1.98(a)(1)(iv).

Inquiries concerning this notice may be directed to Jeanne M. Clark, Senior Legal Advisor,  
Office of Patent Legal Administration, at (703) 306-5603.

/s/  
Stephen G. Kunin  
Deputy Commissioner  
for Patent Examination Policy

September 21, 2004